

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION

The Estate of Michael Steven  
Everhard by Steven Everhard  
Executor; and Steven Everhard,  
Michael A. Everhard, and Amy  
Gardner, Individually,

Plaintiffs,

vs.

Tyson Foods, Inc.; Tyson Fresh Meats,  
Inc.; Rich Retzlaff; Jorge Sandoval;  
Randy Wiley; Tom Brower; and  
Laurie Garcia,

Defendants.

CASE NO. 5:21-cv-04002-LRR-KEM

---

**SEVENTH JOINT STATUS REPORT  
REGARDING EIGHTH CIRCUIT APPEAL**

Pursuant to the Court's order staying this case and directing the parties to file joint status reports at sixty-day intervals (Dkt. 9 at 2; *see also* Dkt. 15), all parties jointly file this seventh Status Report to update the Court regarding the status of the Eighth Circuit consolidated appeals in *Buljic, et al. v. Tyson Foods, Inc., et al.*, No. 21-1010, and *Fernandez, et al. v. Tyson Foods, Inc., et al.*, No. 21-1012.

As noted in the parties' Sixth Joint Status Report (Dkt. 20), on January 31, 2022, Tyson and the other appellants filed a Petition for Rehearing En Banc regarding the Eighth Circuit panel decision affirming the district court's remand orders. On February 22, 2022, the Eighth Circuit denied the Petition for Rehearing En Banc. Tyson then filed a Motion to Stay the Issuance of the Mandate pending disposition of its forthcoming petition for a writ of certiorari in the U.S. Supreme Court. The Eighth Circuit denied that motion on March 4, 2022, and issued its mandate on March 7, 2022.

Tyson intends to file a timely petition for a writ of certiorari in the U.S. Supreme Court in the consolidated *Buljic* and *Fernandez* appeal. The current deadline for that petition is May 23, 2022. The parties will promptly notify this Court when the Supreme Court decides the petition.

Dated: April 4, 2022

Respectfully submitted,

/s/ Willis J. Hamilton  
Willis J. Hamilton AT0003122  
**HAMILTON LAW FIRM, P.C.**  
606 Ontario Street  
P. O. Box 188  
Storm Lake, Iowa 50588  
Telephone: 712-732-2842  
Facsimile: 712-732-6202  
Email: willis@hamiltonlawfirmnpc.com

Dan Connell AT0001637  
**DAN CONNELL, P.C.**  
205 East Sixth Street  
P. O. Box 1336  
Storm Lake, Iowa 50588

**ATTORNEYS FOR PLAINTIFFS**

/s/ Kevin J. Driscoll  
Kevin J. Driscoll AT0002245  
Tamara K. Hackmann AT0003003  
**FINLEY LAW FIRM, P.C.**  
699 Walnut Street, Suite 1700  
Des Moines, Iowa 50309  
Telephone: 515-288-0145  
Facsimile: 515-288-2724  
Email: kdriscoll@finleylaw.com

Christopher S. Coleman  
(*pro hac vice* forthcoming)  
Jessica L. Everett-Garcia  
(*pro hac vice* forthcoming)  
**Perkins Coie LLP**  
2901 N. Central Avenue, Suite 2000  
Phoenix, Arizona 85012  
Telephone: 602.351.8000  
Facsimile: 602.648.7000  
Email: CColeman@perkinscoie.com  
JEverettGarcia@perkinscoie.com

**ATTORNEYS FOR DEFENDANTS**

## CERTIFICATE OF SERVICE

I hereby certify that, on April 4, 2022, a true and correct copy of the foregoing document was served upon all counsel of record via the Court's CM/ECF system as follows:

Willis J. Hamilton  
**HAMILTON LAW FIRM, P.C.**  
606 Ontario Street  
P. O. Box 188  
Storm Lake, Iowa 50588

Dan Connell  
205 East Sixth Street  
P.O. Box 1336  
Storm Lake, Iowa 50588

*Attorneys for the Plaintiffs*

/s/ Kevin J. Driscoll